

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER LISOWSKI, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

HENRY THAYER COMPANY, INC. and L'Oréal USA, Inc.

Defendants.

ELECTRONICALLY FILED

CIVIL ACTION NO. 2:19-cv-1339-MJH

**JOINT MOTION TO AMEND SCHEDULING ORDER REGULATING DISCOVERY
AND THE DEADLINE TO FILE MOTION FOR CLASS CERTIFICATION**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff and Defendants, by and through their undersigned counsel, hereby move to amend the current schedule regarding discovery and the class certification motion as follows:

1. The deadline to complete fact discovery for purposes of Class Certification and for Purposes of the Named Plaintiff's Individual Claims is extended through and including **February 14, 2022**.
2. Plaintiff's deadline to file the Class Certification Motion and produce Expert Reports and Necessary Disclosures in Support of Class Certification is extended through and including **March 3, 2022**.
3. Consistent with these new deadlines, the Parties have adjusted subsequent dates with the following proposed schedule:

- April 25, 2022 - Deadline to Complete Depositions & Document Production of Plaintiff's Experts re: Class Certification;

- June 2, 2022 - Last Day to File Opposition to Class Certification Motion; to Produce Expert Reports And Necessary Disclosures In Opposition to Class Certification; to File A Motion For Summary Judgment Directed To The Named Plaintiff's Claims;
- June 30, 2022 - Deadline to Complete Depositions & Document Production of Defendant's Experts re: Class Certification;
- July 15, 2022 - Last Day to File Reply in Support of Class Certification Motion; Last Day to Oppose Motion for Summary Judgment Directed to Named Plaintiff's Claims;
- August 1, 2022 - Last Day to File Daubert Motions for Class Certification Experts;
- August 5, 2022 - Last Day to File Reply in Support of Motion for Summary Judgment Directed to Named Plaintiff's Claims;
- August 15, 2022 - Date by which the Parties shall file their Alternative Dispute Resolution Stipulation;
- August 29, 2022 - Last Day to Oppose Daubert Motions for Class Certification Experts;
- September 15, 2022 - Last Day to File Reply in Support of Daubert Motions for Class Certification Experts.

In support of this Joint Motion, the Parties state as follows:

WHEREAS, this Court established the initial Case Management Schedule and set the deadlines for discovery (November 2, 2021) and the filing of the class certification motion (November 17, 2021) (ECF No. 38-1).

WHEREAS, despite their diligence and good faith efforts, the Parties were unable to complete discovery by the initial deadline. For example, and as previously stated, Thayer's document production involved accessing archived documents and information, which had taken significant time to collect and process. Further, certain employees departed Thayer after its sale of assets to L'Oréal USA, Inc., adding an additional layer of difficulty to identifying, locating, and collecting responsive information.

WHEREAS, the Parties requested, and the Court granted the Parties request to extend the discovery deadline for good cause. *See* ECF No. 59.

WHEREAS, the Parties have continued to exercise due diligence and good faith efforts to complete discovery. Defendants have substantially completed collecting and processing the above-described archived documents and information. Defendants have completed two document productions and anticipate the need for at least one more production.

WHEREAS, the Parties require additional time to complete the delivery and review of responsive documents and to take remaining depositions.

WHEREAS, for all the foregoing reasons, there is good cause to extend the deadlines relating to the close of discovery and the filing of the Class Certification Motion.

WHEREFORE, the Parties respectfully move, by and through their respective undersigned attorneys, that the Amended Case Management Order be amended as stated above.

Dated: December 23, 2021

Respectfully submitted,

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